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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,319	09/19/2003	Robert Edward Wilson	10030442-1	7914

7590 09/08/2005

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
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EXAMINER

CHIEM, DINH D

ART UNIT PAPER NUMBER

2883

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,319

Applicant(s)

WILSON ET AL.

Examiner

Erin D. Chiem

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed on 24 June 2005. Currently, claim 1 and 2 are amended. The Specification objection made in the office action with mail date 24 March 2005 is withdrawn in view of the amendment. An IDS (US Form – 892) will not be provided since the cited references in this office action are the same as the previously cited reference.

Claim Objections

1. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In view of the amendment, the details that further defined the fiber connector were eliminated (added to claim 1), thus leaving claim 2 reciting the inherent feature of *—the fiber optic connector—* in claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 5-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al. (US 6,354,747 B1) in view of Freeman et al. (US 5,195,156).

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Regarding claim 1 Irie et al teach an optical assembly comprising a package including an optoelectronic component, an InGaAs laser diode (col. 7, line 29), an alignment feature mounted to a surface of the package (Fig. 4A, 24), a sleeve, wherein the alignment feature is inserted into the sleeve (Fig. 2, 8) and the sleeve is sized to mate with a ferrule of the fiber optic connector (col. 4, line 50-53).

Regarding claim 3, the alignment feature is a cylindrical post, not emphasized in reference but visible in Fig. 7A, the stepped features to the left of the three bore holes (h1, h2, h3). The cylindrical post has a bore hole allowing the emitted light from the package to pass through (Fig. 4A, along the AX line, Fig. 5C, the central hole). The bore hole allows the light emitting from the condensing lens, in a shape of a solid partial sphere (claim 5), to pass through.

Claim 8 recites:

“The assembly of claim 1, wherein the package is selected from a group consisting of an optoelectronic chip enclosure and a TO can.”

In Irie et al. invention, the head (24) is an optoelectronic chip enclosure. Furthermore, admitted by the Applicant in Fig. 18 (226) that TO can is known as prior art.

However, Irie et al. do not disclose a sleeve defining a single bore with a constant inner diameter wherein the alignment feature and a ferrule of a fiber optic connector are inserted into opposite ends of the bore to be aligned relative to each other. Irie, also, does not teach that the connector as specifically being an LC, ST, SC, or FC connector.

Freeman et al. teaches a sleeve 200 defining a single bore 207 with a constant inner diameter wherein the alignment feature and a ferrule of a fiber optic connector are inserted into the opposite ends of the bore to be aligned relative to each other. See Fig._4 and Fig._6.

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Furthermore, Freeman teaches as prior art that it is well known to incorporate an ST connector into the assembly to couple emitted light from the laser diode to the ferrule (col. 1, line 14-17).

Since Irie and Freeman are both from the same field of endeavor, the purpose disclosed by Freeman would have been recognized in the pertinent art of Irie.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the sleeve 200 of Freeman's connector assembly and connect to Irie's ferrule 50. **The motivation** for using the sleeve 200 is for standardizing the fitting of the light emitting element with any size ferrule by aligning the emitting beam with the fiber held by a ferrule and the sleeve 200 can fit into the tapering sleeve of Irie into the sleeve 200 and the opposite end of the sleeve 200 can fit into any other ferrule.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al. in view of Bartur et al. (US 6,652,158 B2).

Irie et al. teach an optical assembly comprising a package including an optoelectronic component, an alignment feature mounted to a surface of the package and a sleeve, wherein the alignment feature is inserted into the sleeve and the sleeve is sized to mate with a ferrule of the fiber optic connector. However, Irie et al. do not teach the alignment feature comprises a solid post comprising a transmissive material allowing emitted light to pass through.

Bartur et al. teach an optical assembly having an "active element" that is also an alignment element (Fig. 3, 24) that transmit the emitted light from the laser diode.

Since Irie et al. and Bartur et al. are both from the same field of endeavor, the purpose disclose by Bartur et al. would have been recognized in the pertinent art of Irie et al.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ a silicon rod with a spherical distal end facing toward the ferrule, having acceptable transmissive index to allow light to pass through from the laser diode. By employing such rod that is able to transmit light as well allow an artisan to eliminate an extra element in the assembly such as the spherical lens. Thus reducing the manufacturing cost.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, Applicant's argument of claims 2-9 are merely based on the assumption that the amendment of claim 1 overcame the prior art, and Applicant did not contend with the rejection made on claims 2-9.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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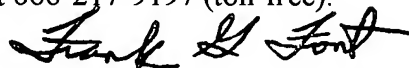
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin D Chiem
Examiner
Art Unit 2883



Frank G. Font
Supervisory Primary Examiner
Technology Center 2800